

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
www.dir.ca.gov/oshsb



Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 25, Section 3650
of the General Industry Safety Orders

Labeling, Design and Construction of Powered Industrial Trucks

SUMMARY

The Division of Occupational Safety and Health (Division) submitted a Request for New or Change in Existing Safety Order (Form 9) to the Occupational Safety and Health Standards Board (Board). The Division stated that existing Section 3650 language only requires various types of powered industrial trucks (PIT) to be labeled as meeting applicable national consensus standards (NCS) design and construction requirements. The proposed amendments will clarify to the employer that PIT's are to be designed, built and maintained to applicable national consensus standards consistent with the labeling requirement.

The Federal Occupational Safety and Health Administration (OSHA) requires all new powered industrial trucks to meet the design and construction requirements as specified in the ANSI B56.1-1969 standard. Federal OSHA also requires that PIT's bear a label or other identifying mark indicating acceptance by a nationally recognized testing laboratory.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 3650. Industrial Trucks. General.

This section contains standards governing the labeling of various types of powered industrial trucks as meeting applicable national consensus standards as specified in the text of the standard, and also contains standards which address but are not limited to: requirements that all name plates be legible and bear specific identifying information specific to the industrial truck upon which it is affixed, use of front end attachments, truck modifications, approvals for trucks used in hazardous atmospheres, carrying/balancing loads, use of fork extensions, driver safety, unattended vehicles and use of two or more PIT's to handle loads.

A new subsection (c) is proposed that clarifies that consistent with PIT's existing labeling requirements, powered industrial trucks are to be designed, constructed and maintained in accordance with the applicable national consensus standards listed in subsections (a) and (b).

The proposed amendment is necessary to clarify to the employer that PIT's are to be designed, constructed and maintained in accordance with the NCS listed in Section 3650(a) and (b).

DOCUMENTS RELIED UPON

Memorandum from the Division of Occupational Safety and Health to the Occupational Safety and Health Standards Board with attached Form 9 concerning Section 3650(a), (b) and (c).

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.